REMARKS

Please add new claims 30-41. After entry of the present amendments, claims 1-5, 7-23, 27-41 remain in the application for prosecution. Claims 6 and 24-26 have been cancelled. Claims 1, 9, 10, 12, 20, 23, 28, and 29 have been amended.

Claim Interpretation

The Office Action includes a section beginning on page 2 entitled "Claim Interpretation." Applicant strongly disagrees with the interpretation that Applicant's configuration data corresponds to the definition of device driver, an interpretation that was advanced by the Examiner to and was rejected by the Board of Patent Appeals and Interferences. For example, on page 7 of the decision, the Board stated: "It is our opinion that the software drivers that McGlone's master gaming controller downloads to the peripheral controller do not inherently include configuration data to configure the peripheral controller to a reel spinning game."

Claim Rejections

Claims 1-5, 7-14, 16, 18, 20, 21 & 27-28 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by U.S. Patent No. 5,380,008 (Mathis et al.). In addition, claims 15, 17, 19, 20 and 23 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by or, in the alternative, rendered obvious under 35 U.S.C. 103(a) over Mathis.

Independent claims 1, 9, 12, 20, 23, and 28 have been amended to call for sending either an acceleration profile or a deceleration profile or both from a central processing unit to a local microcontroller of a reel driver or a reel controller. The Board addressed claim 29 in its decision and concluded that claim 29 was patentable over the cited prior art. On page 12, the Board stated:

> It is our opinion that combined teachings of McGlone and Sakamoto would not have made it obvious at the time the invention was made to a person of ordinary skill in the art to have McGlone's master gaming controller issue a high-level command to McGlone's peripheral controller related to either an acceleration profile for accelerating the reel or a deceleration profile for deceleration the reel. In our view, **the combined teachings of McGlone and Sakamoto would have made**

> **it obvious** at the time the invention was made to a person of ordinary skill in the art **to have stored both the acceleration profile for accelerating the reel and the deceleration profile for decelerating the reel suggested by Sakamoto *in McGlone's peripheral controller not McGlone's master gaming controller* since McGlone's peripheral controller is the controller that issues the low-level instructions to the stepper motor to control the movement of the reel**.

Mathis et al. discloses the same type of low-level instructions being provided by the reel driver microcontroller 58 to the stepper motor 62. *See* col. 10, ll. 55-64 (each reel driver microprocessor "counts the steps that the motor has made, i.e., the number of pulses received, and stops the rotation of the motor in accordance with the information received from the primary microprocessor."). In fact, Mathis et al. explicitly discloses that any deceleration information is provided by the reel driver microcontroller 58 and not the microcomputer 52.

> The microcomputer 52 addresses the ROM memory and withdraws the contents 3,1,2 of Table V and transmits signals **to the reel drivers 58a, 58b, 58c *which in turn* signal the motors 62 to begin to slow down the reels** 22, 24, 26 in sequence so that they display the symbols indicated by position number 1, e.g., 7, cherry, Bar which is a losing combination.

Col. 14, ll. 17-23 (emphasis added); *see also* col. 14 l. 64 to col. 15, l. 1. Thus, Mathis et al. actually teaches *away from* sending a deceleration profile from a CPU to a local microcontroller of a reel driver. To modify Mathis et al. to send such a profile from the microcomputer 52 to the reel drive microcontroller 58 would impermissibly change its principle of operation. *See* M.P.E.P. § 2143.01 (stating that the proposed modification cannot change the principle of operation of the reference).

Thus, applying the same reasoning set forth by the Board, it would not have been obvious to one of ordinary skill in the art to send an acceleration profile or deceleration profile from a central processing unit to a local microcontroller of a reel driver or to a reel controller. It is therefore believed that claim 29 and the amended independent claims are patentable over Mathis et al. in view of Sakamoto for at least the foregoing reasons. The pending dependent claims are believed to be patentable over the prior art of record for at least the reason that the respective independent claims from which they depend are patentable thereover.

Regarding claims 14, 16, 18, and 21, they are believed to be patentable over Mathis et al. for at least the additional reason that Mathis et al. does not teach or suggest configuration data that includes the type of slot machine, the number of symbols in the reel, how to drive the motor, or the number of steps in the motor if the motor is a stepper motor. The initial reel position disclosed in column 10, lines 45-50 does not fall within any of these categories. The Office Action assumes that the only way the local microcontroller can use the initial reel position is if it also knows the number of symbols on the reel. Even assuming such were true, which Applicant does not concede, there is nothing in Mathis et al. that teaches or suggests that the number of symbols on the reel would be **sent from** the CPU to the local microcontroller as part of configuration data as claimed.

Applicant also submits that the Office Action's statement that Mathis et al. supports device independence proves too much. The paragraph to which the Office Action cites is reproduced below:

> It should be understood that rather than utilizing the primary microcomputer in conjunction with the microcomputers 54, 56 and the microprocessors in the reel drivers, a single microcomputer may be utilized to control and operate the entire system. As aforesaid, the preferred implementation of the invention reduces harness complexity and provides the other advantages aforesaid. It also permits a system peripheral to be redesigned to meet a new requirement rather than a redesign of the entire primary microprocessor as is conventional.

Col. 11, ll. 11-20. This statement does not necessarily support the device independence arguments set forth in the Office Action. For example, this statement does not say that no redesign of the primary microprocessor would be required—it just says that the *entire* primary microprocessor would not have to be redesigned. At best, this statement only supports partial device independence, which is really not independence at all, and, in any event, the statement provides absolutely no specifics whatsoever as to which aspect(s) of the system peripheral (and which peripheral? the door interface, the hopper, the reels, or unspecified "other microcomputers (not illustrated)"?) would be redesigned. In addition, the use of the word "it" in the last sentence is vague as to whether "it" refers to the "preferred implementation" mentioned in the previous sentence or the single-microcomputer implementation mentioned in the first sentence or both.

In fact, other statements in Mathis et al. would lead one of ordinary skill in the art to conclude that Mathis et al. does not support device independence (something which is not required by the claims in any event). For example, as stated above, signals to slow down the motor are sent by the reel driver microcontrollers 58a, 58b, 58c, not from the microcomputer 52 to the microcontrollers 58. *See* col. 14, ll. 17-24 & col. 14 l. 64 to col. 15, l. 1.

A complete reading of Mathis et al. appears to disclose only three pieces of information that can be sent from the microcomputer 52 to the reel driver microcontrollers: the reel initial position (col. 10, ll. 45-50); a command to start all reels (col. 10, l. 52); and the winning/losing reel combination information (col. 10, ll. 55-65). Mathis et al. details extensively what is stored in the ROM of the primary microcomputer 52, and there is no configuration data or acceleration or deceleration profiles stored in the microcomputer ROM. To assume that because Mathis et al. is *silent* about specific information transmitted from the primary microcomputer 52 to each respective reel driver microcontrollers 58, such silence means that Mathis et al. contemplated such information is erroneous. Mathis et al. clearly discussed specific types of information stored in the microcomputer ROM and transmitted from the microcomputer to the reel driver microcontrollers. Applicant respectfully submits that if Mathis et al. does not disclose, for example, an acceleration profile sent from a CPU to a local microcontroller, which it does not, then the proper conclusion is that Mathis et al. lacks the required claim limitation. This is particularly so when there are multiple alternatives available, such as storing configuration data or an acceleration or deceleration profile in a memory of the local microcontroller. In such a case, there would be no need to transmit such information from a primary to a local microcontroller.

For at least the foregoing additional reasons, at least claims 14, 16, 18, 21, and 23 are believed to be patentable over the prior art of record.

Conclusion

It is the Applicant's belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

A check in the amount of $400.00 is enclosed for additional claim fees. Should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47079-00058USPT.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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